

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

02-R-1951

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$3,500.00 IN SETTLEMENT OF THE CLAIM
OF JOANN W. SNEAD AGAINST THE CITY OF ATLANTA**

WHEREAS, JoAnn W. Snead has filed a claim against the City of Atlanta seeking damages to per property arising from a broken sanitary sewer line running under her property located at 1655 Kenmore Street, SW; and

WHEREAS, property owned by JoAnn W. Snead has been damaged due to a broken sanitary sewer line running under her property and for further damages sustained during the City's repair of the sewer line; and

WHEREAS, the City of Atlanta was on notice of said nuisance and yet the City failed to abate said nuisance; and

WHEREAS, inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, but is a nuisance which is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of \$4,415.00 but has agreed to accept the sum of \$3,500.00 in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of JoAnn W. Snead be settled for the sum of \$3,500.00.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$3,500.00 be paid by the City of Atlanta in satisfaction of any and all claims JoAnn W. Snead owner of property located at 1655 Kenmore Street, SW may have stemming from damages sustained to her property between on September 1, 1994 and between December, 1996 and February, 1997.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

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